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Attorney for Applicants

PATENT
Docket No. SA9-98-160

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Douglas R. Case, et al.

Serial No.: 09/191,256

Filed: November 12, 1998

For: SYSTEM AND METHOD FOR REMOTELY
ACCESSING A CLIENT IN A CLIENT-SERVER
ENVIRONMENT

Examiner: Z. Maung

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RESPONSE TO OFFICE ACTION

Box AMENDMENT NON FEE
Commissioner for Patents
Washington, D.C. 20231

Sr:

This Response addresses issues raised by the Patent Examining Attorney on the Office
Action mailed on July 12, 2002.

application is directed at message redirection. Message redirection is not part of the present claimed invention which explicitly comprises direct communications. Applicants assert that message redirection is not a function provided by the client agent nor any other claimed or unclaimed element of the present invention and that the message redirection application 20 bears little or no resemblance to the elements of the present invention. Thus, combining the two references would destroy the intended functionality of the present invention. Applicants also submit that so doing would also destroy the functionality of the two references, each of which are directed to different problems in the art.

Due to these differences in the nature and purpose of the prior art from the present, Applicants fail to see a proper motivation or suggestion to combine the Kalajan reference with the Sherpbier invention, reference. The references can be combined only through the benefit of impermissible hindsight. Accordingly, a *Prima facie* case of obviousness has not been made.

As a further evidence of the impropriety of combining Kalajan and Sherpbier, Applicants note that Kalajan teaches the browser co-located with the client (see Figure 1 and column 3 lines 24-28). Kalajan does not suggest separating the listening program from the browser, nor establishing communications (direct or otherwise) between the browser and the listening program. Indeed, Kalajan teaches that the listening program (i.e. the message redirection application 20) can be downloaded and executed by the browser (column 3 lines 48-65), a relationship foreign to the present invention. Thus Kalajan teaches away from the claimed invention.

The most basic requirement of a 35 U.S.C. §103 *Prima facie* rejection is that each and every element must be disclosed by or obvious from the cited references. Applicants assert that Kalajan and Sherpbier even when combined do not disclose the limitation of “a listening program configured to be responsive to requests for remote access [and to] establish direct communications